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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Makiko Kitazoe

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5377

4372 7590 11/14/2008
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EXAMINER

CHEN, KEATH T

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

11/14/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
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DETAILED ACTION

1. The proposed After Final amendment, filed on 10/20/2008, is not entered because the amendment raised new issues that require further consideration, such as new claim limitations in claim 1 such as cleaning gas and between 1700° C and less than 2000° C and newly added claim 19.

Response to Arguments

2. Applicants' arguments filed 10/20/2008 have been fully considered but they are not persuasive.

3. In regarding to Applicants request for entry of the amendment asserting all conditions (a)-(e) are met, see the second paragraph of page 7, the examiner found not any one of the conditions (a)-(e) is met.

4. Applicants argue that Ishibashi '756 fails to teach a cleaning gas, see the bottom paragraph of page 8.

This argument is found not persuasive because this new limitation is not entered.

5. Applicants argue that Ishibashi '756 teaches "hot element is ... heated up to a temperature of 2000° C" fails to disclose and teaches away from 2000° C or less, see the first complete paragraph of page 9.

This argument is found not persuasive. "Up to" 2000° C means less than 2000° C.

6. Applicants argue that gas is a physical entity and part of apparatus structure, see last two lines of page 8 to line 2 of page 9 and the first paragraph of page 10.

This argument is found not persuasive.

Applicants assert that a physical entity is part of apparatus structure without citing support for this conclusive summary.

The examiner cites MPEP 2115 "MATERIAL OR ARTICLE WORKED UPON DOES NOT LIMIT APPARATUS CLAIMS". All materials are physical entities but that is not the criteria whether the material is part of the apparatus structure. The gas is feed into and taken out of apparatus (worked upon) and is not part of apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEATH T. CHEN whose telephone number is (571)270-1870. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1792

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/K. T. C./
Examiner, Art Unit 1792
/Ram N Kackar/
Primary Examiner, Art Unit 1792